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INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

QUESTION OF EAST TIMOR

Note verbale dated 29 May 1992 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

The Permanent Representative of Indonesia to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to the note verbale dated 1 May 1992 from the Permanent Representative of Portugal to the United Nations (A/47/189), has the honour to inform the latter of the following:

1. The facts regarding the unfortunate incident that occurred in Dili, East Timor, on 12 November 1991, as well as the Indonesian Government's position on that event, have been made unequivocally clear on many occasions, including in press releases issued by the Permanent Mission of Indonesia, annexed herewith. The Indonesian Government has expressed regret over that tragic event and the resulting casualties. President Suharto has conveyed his condolences to the bereaved families of the victims in several public statements and has stressed that such incidents must not recur. Determined to uphold the law, the Government took swift and decisive action by establishing the National Commission of Inquiry, empowered to conduct an independent and thorough investigation on all aspects surrounding the incident. The Commission released an advance report on 26 December 1991, which among other things clarified many assertions and false accusations levelled against

* A/47/50.

Indonesia, including those on the number of casualties. The Commission concluded, inter alia, that the shootings that took place were not ordered by the Government nor by the Armed Forces Command, nor did this tragic event in any way reflect the policy of the Government of Indonesia. The Commission recommended that those responsible for violating the law should be brought to trial.

2. Following the submission of the Commission's report to President Suharto, the competent national authorities, upon direct instruction from the President, adopted a series of sweeping measures, including the dismissal of high-ranking military officers for dereliction of their duty and the establishment of a Military Council of Honour to evaluate and make recommendations on the conduct of and actions taken by the local security officers and personnel in East Timor, leading up to and during the incident. In addition, the Commission recommended the intensification of efforts to improve the socio-economic well-being of the East Timorese people. On 27 February 1992 the Indonesian Army Chief of Staff announced the broad outline of the findings and recommendations of the Military Honour Council. Among its recommendations is that a number of military personnel should be brought to trial. The Indonesian Government is committed to prosecute those who instigated the riot, as well as those responsible for the ensuing bloodshed, in accordance with due process of law. Fair and public trials are guaranteed, some of which are already in progress.

3. The findings of the National Commission of Inquiry, as well as the follow-up actions taken, which have shown beyond doubt the seriousness and responsible manner in which the Government of Indonesia has dealt with the incident, have been highly valued and favourably received and commended by many countries, including the European Community through its statement issued on 13 February 1992.

4. It is therefore deplorable that the Portuguese Government has continued its campaign of disinformation on this incident. In his note verbale of 1 May 1992 referred to above, the Permanent Representative of Portugal made a further attempt to mislead the Members of the United Nations about the situation in East Timor by exaggerating the number of casualties resulting from the 12 November incident and the international reaction thereto. Portugal is obviously engaging in a systematic effort to capitalize on this incident in order to serve its own political interests.

5. It is essential to emphasize that by abandoning East Timor in 1975, which led to civil war and resulted in chaos and death, Portugal has forfeited its right to be the administering Power. Furthermore, since Portugal abandoned East Timor, it has ceased to have first-hand knowledge of the situation in East Timor and has been unable to submit reports as required by Article 73 e of the Charter of the United Nations. It is therefore incredible, recognizing these facts, that Portugal now deems it fit and appropriate to submit a report as the administering Power in East Timor.

6. For these reasons, the Permanent Mission of Indonesia to the United Nations takes the view that the report of Portugal, contained in the aforementioned note verbale dated 1 May 1992, has no validity whatsoever.

The Permanent Mission of the Republic of Indonesia to the United Nations has the honour to request that this note verbale and its annexes be circulated as an official document of the United Nations General Assembly.

Annex I

PERMANENT MISSION OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS

No. 07/PR/111491
14 November 1991

PRESS RELEASE

Statement of the Government of Indonesia on the incident in Dili on 12 November 1991

The following is the statement of the Government of Indonesia issued in Jakarta on 14 November 1991.

1. On 12 November 1991 a riot took place in the capital city of Dili, East Timor Province, instigated by remnants of a group of security disturbance perpetrators. They committed brutal acts of violence and disrupted security and public order in the city in violation of the law. It is obvious that the riot was instigated in connection with Portugal's unilateral suspension of the planned visit to East Timor by a Portuguese parliamentarian delegation, and that it was aimed at gaining sympathy and attracting world attention to the matter.

2. In this event the security officers had done their best to restore order and to calm down the crowd through persuasion. However, there were certain elements within the crowd who rejected the persuasive approach by the security officers and instead attacked the security officers and attempted to seize their weapons, which resulted in casualties.

3. The Indonesian Government has decided to conduct a thorough investigation into the event, in accordance with laws and regulations in force.

4. The situation and daily life in Dili remains normal and has not in any way been affected by this event.

5. The Government of Indonesia is deeply concerned over the riot and the loss of lives that the event has caused.

Annex II

PERMANENT MISSION OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS

No. 08/PR/111891 18 November 1991

PRESS STATEMENT

With regard to the incident on 12 November 1991 in East Timor, the Government deems it necessary to issue the following statement:

1. The Government regrets that the incident took place, which has caused casualties both among civilians and members of the security apparatus. Aside from the victims, which we deeply regret, the Government also notes with deep concern the evidence of premeditated provocations by certain elements which sparked the bloody incident.

2. The President has instructed that the investigation on this matter be conducted meticulously and that it be coordinated in the best possible way. For this purpose, a National Investigation Commission will be established, to be chaired by a Supreme Court judge, with members from the Department of Home Affairs, the Department of Foreign Affairs, the Department of Justice, the Armed Forces Headquarters as well as from Parliament and the Supreme Advisory Council. The Commission is to conduct a thorough investigation on all aspects of the incident and the results would be announced in due time.

3. Whoever is proven to have violated the law will be brought to the court of law, in accordance with the principle of the rule of law and Pancasila upon which the Republic of Indonesia is based.

Jakarta, 17 November 1991
MINISTER/STATE SECRETARY
Signed
MOERDIONO

Annex III

PERMANENT MISSION OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS

No. 09/PR/120991
9 December 1991

PRESS RELEASE

THE NATIONAL INVESTIGATION COMMISSION BEGINS INQUIRY
IN EAST TIMOR

Indonesia's National Investigation Commission arrived in East Timor on 28 November 1991 to conduct an on-site inquiry into the incident that occurred in the provicial capital city of Dili on 12 November. The Commission, headed by Supreme Court Justice, the Honourable M. Djaelani, was greeted by Governor Mario Viegas Carrascalao, several government officials and approximately 50 local and foreign journalists, representing such news organizations as Reuters, Associated Press and Agence France-Presse.

During its first day the Commission met with Governor Carrascalao who reaffirmed the credibility of the Commission and submitted a 100-page report on the incident and a list containing the names of eyewitnesses.

The following day, 29 November, the Commission met with Bishop Belo at his residence for nearly two and a half hours, holding what Justice Djaelani described as very frank and comprehensive discussions. The Commission also met on the same day with Mr. Guilherme Dos Santos, Chairman of the East Timor House of People's Representatives; Mr. Armando Mariano Soares, Regent of Dili; and Mr. Domingus Maria Soares, the Mayor of Dili.

On 30 November, the Commission met for approximately three and a half hours with Father Richardo De Silva in his office at the Motael Church of Dili. Father Richardo, who led the Mass on 12 November, gave the Commission a chronological account of the incident.

The National Investigation Commission, established by President Soeharto on 18 November 1991, is empowered to conduct an independent and thorough investigation into the incident. The Commission is comprised of the Honourable M. Djaelani (Supreme Court Justice) as Chairman, the Honourable Clementino Des Reis Amaral (Member of the House of People's Representatives), the Honourable Ben Mang Reng Say (Member of the Supreme Advisory Council), Mr. Hari Sugiman (Senior Official of the Department of Internal Affairs), Mr. Hadi Wayarabi (Senior Official of the Deparment of Foreign Affairs), Mr. Anton Suyata (Senior Official of the Department of Justice) and Rear Admiral Sumitro (Armed Forces).

Annex IV

PERMANENT MISSION OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS

No. 10/PR/123191
31 December 1991

PRESS RELEASE

THE NATIONAL COMMISSION OF INQUIRY ISSUES ADVANCE REPORT OF ITS FINDINGS ON THE INCIDENT IN DILI OF 12 NOVEMBER 1991

The National Commission of Inquiry, established by the President of the Republic of Indonesia to conduct an independent, judicious, fair and comprehensive investigation into all aspects of the incident that occurred on 12 November 1991 in Dili, East Timor, has released an advance report of its findings on 26 December 1991. The said report is attached.

ADVANCE REPORT OF THE NATIONAL COMMISSION OF INQUIRY INTO THE 12 NOVEMBER 1991 INCIDENT IN DILI

I. INTRODUCTION

1. General

The National Commission of Inquiry (NCI), established by Presidential Decree No. 53/1991, comprising seven members, commenced its task on 21 November 1991. Its activities covered the preparatory gathering of information in Jakarta from 21 November 1991 until 27 November 1991, followed by an investigation in East Timor (Dili and surrounding areas) from 28 November 1991 until 14 December 1991.

2. Purpose and objective

The National Commission of Inquiry is to conduct the investigation in an independent, meticulous, just and comprehensive manner, with a view to obtaining objective information and facts regarding the 12 November 1991 incident in Dili.

3. Scope

In implementing its task, NCI is to delve into all aspects relating to the 12 November 1991 incident in Dili and not to conduct a police investigation.

4. Working methods

NCI is to conduct its investigation by the following methods: examining documents, meeting and interviewing various sources and eyewitnesses, field observation, reconstruction of events, cross-checking of information and data, tabulation and analysis.

5. Outline of report

This report is organized in the following order:

I. Introduction

II. Implementation of activities

III. Analysis of the 12 November 1991 incident in Dili

IV. Conclusions

V. Epilogue

II. IMPLEMENTATION OF ACTIVITIES

1. Preparatory steps and compilation of data in Jakarta

(a) Defining a work programme; compiling and studying data, information and other references for investigation; establishing a secretariat to handle administrative matters;

(b) Meeting the Vice-President;

(c) Obtaining clarifications and inputs from the Minister for Defence and Security who was also acting as Minister for Foreign Affairs ad interim, the Minister for Internal Affairs and the Commander of the Armed Forces.

2. Investigative activities in the Province of East Timor (Dili and its surroundings)

(a) Meetings with the Governor of East Timor (five times in total), and meetings with the Regent of the Regency of Dili, the Mayor of the town of Dili, a number of sub-district heads and village chiefs, arranged selectively and separately;

(b) Meetings with Bishop Carlos Filipe Ximenes Belo (four times in total), and meetings with Pastors Alberto Ricardo Da Silva, Albrecht Kareem, Markus Wanandi, Locatelli, Jose Carbonell and Jose Antonio Da Costa;

(c) Meetings with the Commander of the Operational Command (Pangkolakops) on five different occasions, a number of meetings with the staffs of the Operational Command and related units, including the local police and the Judiciary Team which was established to conduct a judicial investigation on the 12 November 1991 incident in Dili. NCI also met with the Commander of Military Region IX/Udayana in Denpasar (Bali);

(d) Meetings with the head of the first-level Regional Council and the head of the second-level Regional Council;

(e) Meetings with social-political organizations, people's organizations and local community leaders;

(f) Meetings and conducting interviews with 132 eyewitnesses;

(g) Visiting Wira Husada military hospital in Dili, Dili's General Hospital and a number of People's Health Centres (Puskesmas) as well as local police detention centres;

(h) Retracing the demonstration route starting from the Motael Church up to the Santa Cruz public cemetery and conducting several, on-site reconstructions of events. NCI also inspected and took note of as many as 70 bullet marks on the walls and doors of the Santa Cruz cemetery, on the surrounding trees and electric poles;

(i) Inspecting Hera public cemetery; the disinterment (exhumation) of 1 of the 18 graves of the victims revealed that the victim was buried in a coffin, completely dressed in accordance with Catholic tradition, and clearly established that only 1 single corpse was buried in the grave. NCI also conducted inspections and excavations at locations around Hera, Pasir Putih, Tasi Tolu and Tibar in response to information received from the local people alleging that those were places of mass burial of victims of the Dili 12 November 1991 incident. However, no evidence could be obtained at these locations in support of these allegations.

III. ANALYSIS OF THE 12 NOVEMBER 1991 INCIDENT IN DILI

1. General

(a) Over the period of 15 years since integration, there has been rapid development in East Timor, resulting in a higher standard of living for the people. One of the consequences of this development is that the city of Dili became heavily urbanized: its population swelled from 25,000 at the time of integration to 124,284 today (in a province with a total population of 755,950), thus creating social problems. The rapid pace of development in the field of education resulted in large numbers of elementary/junior high/senior high graduates, all searching for work, thus heightening the level of unemployment among the younger workforce. This partly explains why some of

the younger people were susceptible to propaganda from the anti-integration group/FRETILIN security disturbance perpetrators (hereafter called SDP) and willingly became core actors in the demonstration, apart from those who merely went along with the stream and those who were forced to do so. In keeping with the national development policy, territorial operations were launched since 1989 by the Armed Forces, together with government apparatus and other social forces, employing the developmental or prosperity approach and an approach based on love and affection;

(b) On the other hand, the remnants of FRETILIN/SDP had become increasingly isolated and weakened which led them to shift their mode of operations from rural guerrilla to urban guerrilla, capitalizing on every passing opportunity to wreak havoc, to perpetrate terrorist activities and to attract international attention in order to prove their existence. The only hope for the FRETILIN/SDP to preserve their existence and to gain support from East Timorese people lies in the expectation to get assistance from foreign sources, be it from remnants of FRETILIN/SDP abroad or from other anti-Indonesian groups in foreign countries.

2. Prologue to the 12 November 1991 incident

The 12 November 1991 incident in Dili is believed to be related to previous similar events, namely:

(a) 1989:

(i) A demonstration was held by about 20 youths, who exhibited anti-Indonesia posters during the visit of Pope John Paul II subsequent to a mass in Tasi Tolu, Dili, on 12 October 1989;

(ii) Some 50 youths provoked 2 officers by throwing stones at them at Lesidere field, Dili, on 4 November 1989;

(b) 1990:

(i) Some 50 youths held a demonstration at Hotel Turismo during the working visit of United States Ambassador John Monjo, on 17 January 1990; some 250 youths then proceeded to march around the town of Dili on 18 and 19 January 1990;

(ii) A demonstration was held by about 200 youths in the aftermath of a Mass to commemorate 50 years of the Dili Diocese, on 4 September 1990; demonstrators exhibited a number of anti-integration banners and a FRETILIN flag;

(iii) A school and a vehicle belonging to the local security apparatus were wrecked and an officer was attacked at Junior High IV, Dili, by a group of anti-integration youths who had used "Externato" school as a basis for their activities, on 8 October 1990;

(iv) A group of students from Santo Paulus Junior High, Dili, beat an officer who was trying to erase writings on the wall and take away posters with anti-Pancasila messages, seized his weapon and hauled down an Indonesian flag on the school yard, on 15 October 1990;

(c) 1991: Fighting erupted between a group of anti-integration youths who were within the premises of Motael Church and a group of pro-integration youths coming from outside the premises, leading to the death of Sebastiao Gomes from the anti-integration group and Alfonso Gomes from the pro-integration group, on 28 October 1991.

3. The 12 November 1991 incident

(a) In preparation of the intended visit by a Portuguese Parliamentary delegation, it is assumed that there had been increased activities by anti-integration groups/FRETILIN/SDP who regarded the visit as an opportunity for them to show their existence to the outside world. Since the visit was called off, the preparations already undertaken were shifted towards organizing demonstrations, thereby utilizing the opportunity of the 14-day commemorative Mass for the death of Sebastiao Gomes on 12 November 1991 and the presence in Dili of Professor Kooijmans, United Nations Special Rapporteur for Human Rights;

(b) According to information obtained from eyewitnesses, a number of foreigners took part in that demonstration;

(c) FRETILIN's role in the demonstration was clearly evident in the unfolding of FRETILIN flags the Falentil flag (the flag of the armed faction of FRETILIN), the emblem of the Uniao de Convergencia Nacional de Timor Leste, a number of anti-integration banners and a picture of FRETILIN/SDP leader Xanana. The demonstration started after the Mass from the street in front of the Motael Church, and thence moved along the main street towards the Santa Cruz cemetery. Along the way, the demonstrators shouted anti-integration yells, glorified FRETILIN/SDP figure Xanana and ridiculed the security apparatus. In such a disorderly, wild and unruly atmosphere, the demonstrators stabbed Major Gerhan Lantara, the Deputy Commander of Batallion 700, who is the intelligence officer for military sector C, and wounded Private Domingos, a member of the Military District Command in Dili in the front yard of the Dharma Wanita building and threw stones at the Bank Summa building as well as the old police station, resulting in the shattering of windows of the two buildings;

(d) On the 12 November 1991 incident itself, especially on what actually happened at the Santa Cruz cemetery, the following information and data have been compiled, and categorized into the following:

(i) Before the shooting: While the demonstrators were on the march, a mass of people had earlier gathered at Santa Cruz cemetery. As the demonstrators joined the crowd already gathered at the cemetery, they continued to display FRETILIN flags, Falentil flags, emblems of the Uniao de Convergencia Nacional de Timor Leste, anti-integration banners and pictures of FRETILIN/SDP leader Xanana, and chanted anti-integrationist yells and insults at members of the security apparatus;

(ii) Warning shots: There were two versions of eyewitnesses' accounts. On the one hand, a number of eyewitnesses stated that there were one or two warning shots, while on the other hand, other witnesses contended that the shots were directly aimed at the crowd without any warning shots;

(iii) The shooting at the crowd: There are three different versions of eyewitnesses' accounts. Firstly, several witnesses claimed that the troops arrayed in anti-riot formation fired shots aimed directly at the crowd. Other eyewitnesses maintained that shots were fired after fighting erupted and an attempt was made to seize arms, accompanied by the tossing of a hand-grenade at the security forces by the crowd. In addition, some other witnesses said that the shots were fired by an uncontrollable group of security personnel, who were not in proper formation nor in proper uniform and obviously in a highly charged emotional state;

(iv) According to eyewitnesses' accounts, apart from the shooting there also occurred stabbings with sharp instruments, beatings by blunt instruments, by hand and kicking by security officers against the crowd demonstrators.

4. The dead, wounded and missing

Based on information compiled, the Commission has collected the following data:

(a) Deaths. According to information received from Kolakops, the death-toll reached 19, evidenced by the number of corpses buried in the Hera public cemetery, at which all were given proper rites and prayers by a Catholic military chaplain. No pictures for identification purposes were taken of the deceased and they could also not be identified by name or address, although visum et repertums were made. Among the 19 was the New Zealander Kamal Ahmad Bamadhaj, whose remains were subsequently handed over to his family upon the latter's request. But according to the account of other eyewitnesses and sources, the death-toll exceeded 19 and their figures varied from 50 or 60 to over 100.

(b) The wounded. According to information obtained from Dili's Wira Husada Military Hospital and according to visum et repertums the figures for the wounded were as follows:

Gunshot wounds: 42 persons

Stab wounds: 14 persons

Wounds caused by blunt instruments: 35 persons

It is possible that this figure may increase, because a number of those who are assumed to be wounded ran away with the other demonstrators, and probably engaged in their own medical treatment. Up to 14 December 1991, the number of remaining patients at Wira Husada Military Hospital was 41, whereas 50 persons have been returned to their families.

(c) The missing. According to oral as well as written information obtained from eyewitnesses and other sources, approximately 90 persons were reported missing. It was acknowledged by the eyewitnesses and other sources that among the missing there are some who may have died, maybe have been wounded or be in good health, may have escaped to the forest or taken refuge somewhere.

5. Police examination

The local police of East Timor have questioned 308 demonstrators in accordance with the existing and applicable operational and legal procedures. Among them, 261 were returned to their families through their respective village chiefs. Of the 47 who were held for further questioning, 15 have been freed, 8 are suspected of having committed specific crimes and 24 of having committed general crimes. Police examinations were conducted according to the law and by including lawyers to provide legal assistance.

IV. CONCLUSIONS

The Commission has strong reasons and grounds to arrive at the following conclusions:

1. The 12 November 1991 incident in Dili is the culmination of a series of earlier demonstrations/incidents perpetrated by the anti-integration group/FRETILIN/SDP. The FRETILIN/SDP, who are being increasingly isolated, have shifted their mode of operations from rural guerrilla to urban guerrilla, thereby abusively capitalizing on the development policy in East Timor based upon affection and prosperity and taking advantage of the situation as well as the restive mood among the young people to instigate them to oppose integration as well as to attract world attention to their existence.

2. The 12 November 1991 incident in Dili, which caused a number of deaths and other casualties, was clearly not an act ordered by or reflecting the policy of the Government or the Armed Forces, be it in the capital or in the Province of East Timor. The 12 November 1991 incident was essentially a tragedy which should be deeply regretted.

3. The 12 November 1991 demonstration in Dili showed elements of premeditated provocation by a group of anti-integrationist/FRETILIN/SDP and was not an orderly and peaceful procession dedicated to commemorate the death of Sebastiao Gomes.

4. The demonstrators, who largely consisted of young people have acted belligerently, emotionally and destructively, partly as a result of agitations by the anti-integration group/FRETILIN/SDP by whom they have been influenced for quite some time. Furthermore, they consciously exhibited FRETILIN and Falentil flags, pictures of FRETILIN/SDP leader Xanana and banners and chanted anti-integration yells and insults at the members of the security apparatus.

5. A number of foreigners took an active part in that demonstration.

6. As the tense atmosphere reached a boiling point, started by the stabbing of an armed forces officer and the wounding of a private, and aggravated by the provocative belligerence and aggressive attitude assumed by the crowd which was perceived by the security personnel as posing a threat to their arms and to their safety, a spontaneous reaction took place among the security personnel to defend themselves, without command, resulting in excessive shooting at the demonstrators, causing deaths and wounded. At the same time, another group of unorganized security personnel, acting outside any control or command, also fired shots and committed beatings, causing more casualties.

7. In the handling of the riotous condition during the 12 November 1991 incident, despite the presence of riot-control units, the Commission did not observe the optimal implementation of proper riot-control procedures. The actions of a number of security personnel exceeded acceptable norms and led to the casualties, be it in terms of deaths, gunshot wounds, stabbing wounds, or wounds by blunt instruments. Although the casualty toll until now was set at 19 dead and 91 wounded, the Commission feels that there are sufficiently strong grounds to conclude that the death casualties totalled about 50 while the wounded exceeded 91.

8. There was careless handling of those who died, because although the visum et repertums were performed the deceased were not properly identified. Little opportunity was given to the families/friends of the victims to identify the bodies.

9. The Commission is of the view that, in order to uphold justice, action must be taken against all who were involved in the 12 November 1991 incident in Dili and suspected of having violated the law, and they must be brought to trial in accordance with the rule of law, Pancasila and the 1945 Constitution upon which the Republic of Indonesia is based.

V. EPILOGUE

In undertaking its task, NCI received full support from all sides, be it from the Government, the Armed Forces, Church officials and community leaders. It has to acknowledge, however, that NCI faced obstacles because a number of prospective witnesses were not willing to give their account of the event because of doubt and concern that they would be directly incriminated in the 12 November 1991 incident in Dili, or out of fear that they would be regarded as belonging to the anti-integration group.

Jakarta, 26 December 1991

NATIONAL COMMISSION FOR INQUIRY

(Signed)

M. Djaelani	Head/Member
Ben Mang Reng Say	Member
Clementino Dos Reis Amaral	Member
Harisoegiman	Member
Hadi A. Wayarabi Alhadar	Member
Anto Sujata	Member
Sumitro	Member

Annex V

PERMANENT MISSION OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS

No. 01/PR/011692
16 January 1992

PRESS RELEASE

FOLLOW-UP TO THE ADVANCE REPORT OF THE NATIONAL
INVESTIGATION COMMISSION

Following the submission to President Soeharto of the advance report of the National Investigation Commission, established by the President to investigate into the incident that occurred on 12 November 1991, in Dili, East Timor (Press release No. 10/PR/123191 of 31 December 1991), the Indonesian Government has adopted a series of measures.

The President of the Republic of Indonesia, in his capacity as the Supreme Commander of the Armed Forces, has replaced Major General Sintong Panjaitan, Commander of the 9th Udayana Regional Military Command whose responsibility includes East Timor, and Brigadier General Rudolf Samuel Warouw, Commander of the East Timor Operation Command. In addition, several other officers under the East Timor Operation Command have also been replaced. The President further ordered the Army Chief of Staff to set up an Honorary Military Council, which had been established on 2 January 1992. The Council, comprised of nine senior officers and headed by Major General Faisal Tanjung, the Commander of the Army Staff and Command College, will evaluate the conduct of and action taken by the local security officers in East Timor, and the Army's command structures in connection with the incident. The Council, which has already commenced its work in East Timor, will report to the Army Chief of Staff the result of its evaluation and make recommendations thereon. Those responsible will be brought to trial in accordance with the applicable laws.

The President has also ordered the Commander-in-Chief of the Armed Forces to take all necessary measures to locate those civilians who have not returned home following the incident and remain unaccounted for.

In view of the positive effects of the Armed Forces' territorial operation (civic mission) to the development efforts currently under way in the province, the Armed Forces have been ordered to continue such territorial operation.

The Minister Coordinator for Economic, Financial, Industrial Affairs and for the Supervision of Development has been instructed to step up development efforts in East Timor. The Minister for Home Affairs has similarly been instructed to look into the East Timor provincial administration, in order to enhance the coordination of the development efforts. The Attorney General has been instructed to investigate those suspected of instigating the violent acts

during the incident, and bring to trial those who were involved, in conformity with the existing laws and regulations.

In his address to the plenary session of the House of Representatives on the occasion of introducing the annual budget for first year 1992-1993, on 6 January 1992, President Soeharto again expressed his deepest condolences to the people of East Timor whose innocent relatives lost their lives in this calamity and expressed his sympathy to those whose next-of-kin have not returned home. The President emphasized the importance of instilling a sense of tranquillity and peace in the hearts of the people of East Timor, and to enhance their participation in the development of the province, in order to achieve greater progress and prosperity.

Annex VI

PERMANENT MISSION OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS

No. 03/PR/92
28 February 1992

PRESS RELEASE

THE MILITARY HONOUR COUNCIL HAS REACHED ITS FINDINGS
ON THE 12 NOVEMBER 1991 INCIDENT IN DILI

The Military Honour Council, established by the Army Chief of Staff upon instruction of President Soeharto to evaluate the conduct of and action taken by the local security officers and the Army's Command structures in the incident of 12 November 1991 in Dili, East Timor (Press release No. 01/PR/011692 of 16 January 1992), has completed its task and reported its findings to the Army Chief of Staff, who submitted the report to the Commander-in-Chief of the Armed Forces and to the President directly. The broad outline of the findings of the Council were announced officially by the Army Chief of Staff in a statement made in Jakarta on 27 February 1992, the text of which is herewith attached.

STATEMENT BY THE ARMY CHIEF OF STAFF ON THE FINDINGS OF THE
MILITARY HONOUR COUNCIL AND ACTIONS TAKEN

1. In compliance with the 28 December 1991 instruction of the President in his capacity as Supreme Commander of the Armed Forces (ABRI), the Chief of Staff of the Army formed a Military Honour Council (MHC) to examine the 12 November 1991 incident in greater depth. The MHC was made up of 18 senior officers and 6 middle-ranking officers, and was chaired by Major General Faisal Tanjung.

2. It is normal in the ABRI to form a Military Honour Council which is a temporary body to examine and evaluate what was done or not done by one or more officers in connection with their duties and authority, in order to determine their accountability.

3. The task of the MHC included examining, studying in depth and evaluating the policy and actions of the local command in handling the 12 November 1991 incident, in order to ferret out the truth and draw lessons that would be useful to the ABRI.

4. The MHC worked from 2 January to 20 February 1992. It used the following methods:

(a) Examination of documents (including the advance report of the National Commission of Inquiry (NCI);

(b) Gathering and examination of information;

(c) Meetings/interviews with 51 people;

(d) Inspection of the site and reconstruction of the event;

(e) Questioning of the 6 "interrogated officers" who were confronted by 18 witnesses.

5. The "interrogated officers" previously held posts in the local command, namely:

(a) IXth Regional Commander/Udayana;

(b) East Timor Operational Commander;

(c) East Timor Deputy Operational Commander/Commander Military Area 164;

(d) East Timor Assistant for Intelligence/Commandant, Intelligence Task Force;

(e) Commander of sector C;

(f) Dili Garrison Commander.

6. The MHC completed its work and reported its findings to the Army Chief of Staff who submitted the report to the Commander-in-Chief of the Armed Forces and to the President directly. The MHC findings may be broadly outlined as follows:

(a) Territorial Operation has been the principal operation in East Timor since 1989. It has been aimed at enhancing the material well-being of the people, particularly by helping and encouraging the East Timorese to acquire a more dynamic attitude and to increase their productivity so that the quality of their life would improve;

(b) Unfortunately, the security disturbance perpetrators (SDP), particularly those in the town of Dili, exploited Territorial Operation for their own purposes. Taking advantage of the persuasive approach used by the local command, they fostered anti-integrationist attitudes particularly among young people in Dili. The persuasive approach which had for its theme "love and affection" was misused as an opportunity for SDP to mobilize for political ends. This led to an opportunity for SDP to show off its strength before the whole world by staging a series of escalating demonstrations or mass actions since 1989, proclaiming anti-integrationist views, even carrying FRETILIN posters and flags. They went to the extent of burning a motorcycle, and attacking a public official, and they even took down the red and white (Indonesian) flag. These and other provocations that were deliberately committed by the SDP naturally elicited a hotly emotional reaction from some members of the ABRI. Some of the soldiers could not control the overflow of their emotions and as a result reacted beyond appropriate limits;

(c) The 12 November 1991 incident should have been anticipated. Indications and preparations for the provocative action were already visible several days beforehand. Unfortunately, the local command did not in fact take the proper measures.

7. After closely examining the report on the MHC's findings, which was mainly that there were three categories of errors and/or violations committed by the local command and by those in charge of handling the incident, the Army Chief of Staff has taken the following action:

First, the six "interrogated officers" of their errors and their negligence are punished: three officers are "dismissed from military service"; and two other officers "will not again be posted to a structural Army/ABRI position, but are still on active duty", while one officer will not, for the moment, be posted to a structural Army/ABRI position but is still on active duty.

Second, mistakes which were the responsibility of the command and which involved the commanders who were directly in charge and in control of the field, and personnel who committed infringements of military ethics and discipline or behaviour beyond appropriate limits, tended towards criminal acts. These errors and infringements will be examined further and brought to a military court in accordance with due process. Four officers, three senior non-commissioned officers and one junior non-commissioned officer will be processed in order to be court-martialled.

Third, five officers will be interrogated further in order to establish whether or not they actually failed to act when they should have.

8. These are the findings and the steps taken by the Army/ABRI on the handling of the 12 November 1991 incident which are essentially internal correctional measures. They reflect the Army/ABRI's sense of responsibility over everything that took place in Dili on that day.